



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Appl. No.** : 10/613,994  
**Applicant** : Tsu-Wei Chen, et al.  
**Filed** : July 8, 2003  
**Title** : PACKET ROUTING VIA PAYLOAD INSPECTION FOR  
DIGITAL CONTENT DELIVERY  
**TC/A.U.** : 2157  
**Examiner** : OSMAN, Ramy M.  
**Docket No.** : 33079/US/2  
**Customer No.** : 022879

**Mail Stop Reply Brief - Patents**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REPLY BRIEF UNDER 37 C.F.R. §41.41**

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## **II. STATEMENT OF TIMELINESS**

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### **III. STATEMENT OF FACTS**

The instant invention describes a method and apparatus that includes a routing box that receives distributed digital content as files from a central distributor and transfers the digital content files to a plurality of cache servers using a publish-subscribe content-based routing, wherein the routing box receives a filter and uses the filter to selectively transfer the digital content files to one or more of the plurality of cache servers (See e.g., FIG. 14, page 29, line 3 to page 30, line 13).

Challenger (US6,567,893) describes a method and system for caching objects using a cost-based publish and subscribe paradigm. In Challenger, a web server distribute copies of objects to a plurality of proxy servers based on one or more factors such as the expected life time of the object, the cost of sending the object, and the importance of maintaining the cached copy of the object current. (See e.g., Abstract, col. 6, lines 22-38, and Figure 1).

Speakman (US6,055,364) describes a method and system for content-based filtering of multicast information. In Speakman, a set of sources (S) which desire to distribute potentially large numbers of categories of differing information each associates a content descriptor (CD) with messages including information in those categories, so that a set of recipients (R) can receive information in at least some of those categories. (See e.g., Abstract and col. 2, lines 35-44).

#### **IV. RESPONSE TO EXAMINER'S ANSWER**

The Examiner's Answer fails to overcome the reasons for patentability set forth in the Applicants' May 8, 2008 Appeal Brief and subsequent corrections dated June 2, 2008, September 22, 2008 and January 9, 2009. In this Reply Brief, Applicants respond to the Examiner's Answer and provide additional clarification and reasons why the applied references do not render obvious the pending claims.

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Considering independent claims 1 and 13, the Examiner's Answer continues the arguments outlined in the Office Action that Challenger discloses transferring digital content to a plurality of cache servers using a publish-subscribe content-based routing, wherein the digital content files are publications and the user requests are subscriptions. The Examiner cites to column 3, lines 39-43 & 58-61 and column 4 lines 25-34 of Challenger as support and concludes that "Challenger discloses transferring objects to cache servers using a publish subscribe based method. The objects correspond to 'content files are subscriptions', while the user/cache requests sent to the web server correspond to 'the user requests are subscriptions.'" (The Examiner's Answer, page 4, paragraph 3).

Applicants respectfully submit that the cited passages relate to sending copies of objects from the Web server 14 to the proxy servers 12. They do not mention anything about transferring digital content to the plurality of cache servers using a publish-subscribe content-based routing. In fact, the gist of Challenger is the cost-based routing of objects between servers (See, e.g., Abstract of Challenger). Challenger does not teach or suggest content-based routing. As admitted by the Examiner, Challenger fails to teach "a routing box receiving a filter", as recited in claim 1, or "propagating a filter to a routing box," as recited in claim 13.

The Examiner alleges that Speakman teaches “a routing box receiving a filter” and “propagating a filter to a routing box,” because “Speakman discloses the network elements receiving the content descriptors (*i.e.*, filter) from source [110] (column 4 lines 15-19), in order to filter the information and provide transmission of the information to the recipients [120] (column 5 lines 1-5 & 37-54)” (The Examiner’s Answer, page 9, paragraph 2). The Examiner further notes that “[t]he use of the limitation “filter” is broad and is broadly interpreted as a filter. In this case, the content descriptors are used for the purpose of filtering, and are thus a filter parameter and thus satisfying the broad limitation of ‘filter’” (The Examiner’s Answer, page 9, paragraph 4). Applicants respectfully disagree.

It is well established in patent law that the claims must be read in view of the specification (See, *e.g.*, Phillips v. AWH Corp., 75 USPQ2d 1321, 1327 (Fed. Cir. 2005)). In the instant invention, the specification provides that “the term ‘filter’ is used to describe a set of events that a subscriber is interested in receiving from publishers,” and that “[e]ach subscription encapsulates a subject filter and an attribute filter” (See, *e.g.*, page 7, lines 18-26). Therefore, it is clear that the filters of the instant invention are associated with subscriptions and describe the subscriptions.

In contrast, the content descriptors of Speakman are provided by the sources S110 (*i.e.*, the publishers) and specify the category of the information to be distributed (Abstract and col. 3, lines 25-29). Therefore, the content descriptors of Speakman are associated with publications and describe the publications. They are not the “filters” of the instant invention.

It necessarily follows then that Speakman also fails to teach or suggest “a routing box receiving a filter,” as recited in claim 1, and “propagating a filter to a routing box,” as recited in claim 13. For this reason alone, claims 1 and 13 are not obvious over Challenger and Speakman.

Moreover, a person of ordinary skill in the art would have no motivation to combine Challenger with Speakman. The Examiner’s Answer alleges that the routers within the network of Challenger can be modified to perform content based filtering as described in Speakman (the Examiner’s Answer, page 8, paragraph 2). Applicants respectfully submit that the gist of Challenger’s invention is the cost-based routing of objects. A person of ordinary skill in the art would understand that introducing the content descriptors of Speakman into Challenger’s system would simply destroy Challenger’s invention. Specifically, the Web server in Challenger’s system sends all the objects to all proxy caches and updates the proxy caches periodically. The Web server then employs a rather complicated cost-based formula (See, *e.g.*, col 6 of Challenger) to determine whether to

update an object. If it determines to update an object, it places the update on a “push” list and forward the update to all proxy caches. This “update-all-cache” type of routing is incompatible with the content-based routing which requires the Web server to send objects only to certain proxy caches but not all proxy caches. Accordingly, a person of ordinary skill in the art would not be motivated to combine Challenger with Speakman in the manner suggested by the Examiner.

Therefore, Challenger and Speakman do not render claims 1 and 13 obvious. Dependent claims 2-12, 14-16, and 18-24 are patentable over Challenger and Speakman for at least these reasons and their own independent features.

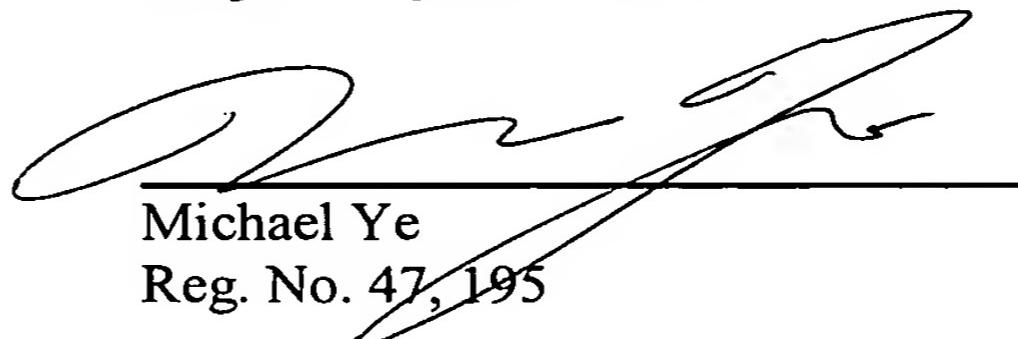
## CONCLUSION

For at least the reasons set forth above, the inventions recited in claims 1-16 and 18-24 are not taught or suggested by Challenger and Speakman<sup>1</sup>. Therefore, Applicants respectfully requests the withdrawal of the rejections and allowance of the pending claims.

No fees are believed to be due. However, should there be any additional fees required, please charge any fees required to **Deposit Account 08-2025** pursuant to 37 CFR 1.25.

Respectfully submitted,

Date: June 29, 2009



Michael Ye  
Reg. No. 47,195

**ANDREWS KURTH LLP**  
1350 I Street, NW  
Suite 1100  
Washington, D.C. 20005  
Telephone: (202) 662-2700  
Fax: (202) 662-2739

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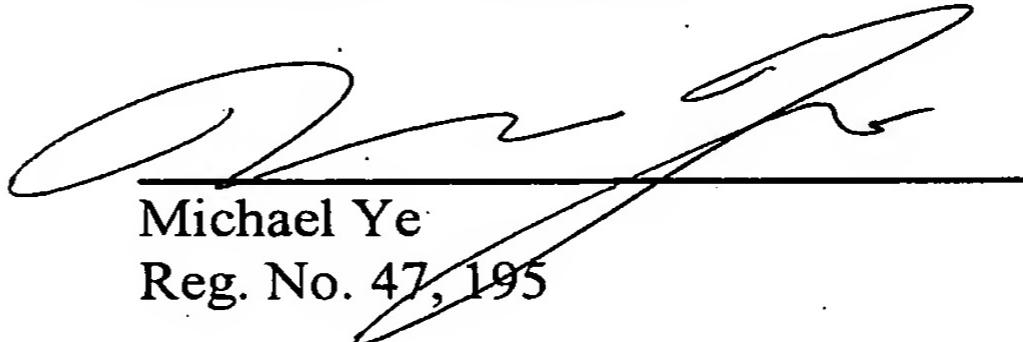
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### CONCLUSION

For at least the reasons set forth above, the inventions recited in claims 1-16 and 18-24 are not taught or suggested by Challenger and Speakman<sup>1</sup>. Therefore, Applicants respectfully requests the withdrawal of the rejections and allowance of the pending claims.

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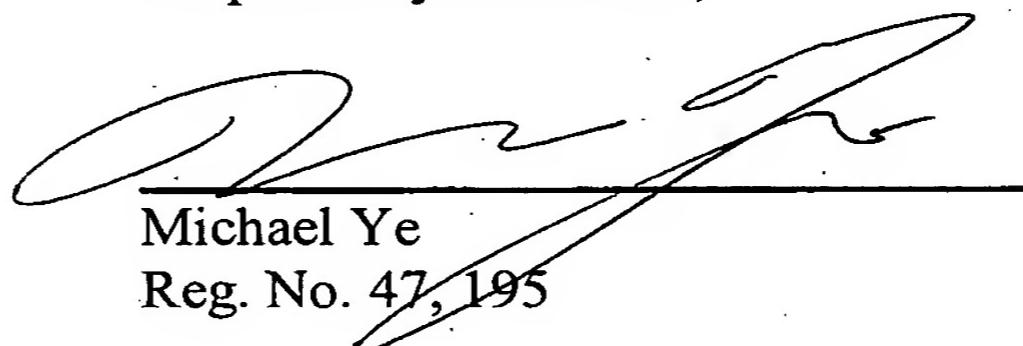
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